

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 2/17/07

SPONSOR Ryan LAST UPDATED _____ HB _____

SHORT TITLE Refund of Certain Public Regulation Fees SB 868

ANALYST Earnest

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Office of the Attorney General (AOG)

SUMMARY

Synopsis of Bill

Senate Bill 868 enacts a new section of the Public Utility Act to allow the Public Regulation Commission (PRC) to refund the \$25.00 fee for filing a complaint if the PRC dismisses a complaint for lack of probable cause and if PRC determines that the dismissed complaint was filed in good faith.

The bill also would repeal Section 70-3-19B of the Pipeline Safety Act, which requires the Attorney General to represent the PRC and the state in any action to enforce the provisions of the Pipeline Safety Act or any regulation of the PRC.

FISCAL IMPLICATIONS

None identified.

SIGNIFICANT ISSUES

The bill presumably refers to fees paid to file complaints with the Public Regulation Commission

by municipalities, or by other affected persons, alleging that any rate, service regulation, classification, practice or service in effect or proposed to be made effective is in any respect unfair, unreasonable, unjust or inadequate, as authorized by NMSA Section 62-10-1. Fees are established in NMSA Section 62-13-2.

PRC has the authority to hire personnel it deems necessary to carry out the provisions of the Pipeline Safety Act and to retain attorneys to handle the legal matters of the commission, give advice and counsel, and represent the commission in any legal proceeding. By repealing NMSA 70-13-19B, this bill will eliminate conflicting provisions regarding representation of the PRC.

ADMINISTRATIVE IMPLICATIONS

According to OAG, if this bill is enacted, the Attorney General will no longer be responsible by statute for representing the Public Regulation Commission in matters brought pursuant to the Pipeline Safety Act. However, eliminating the requirement that the Attorney General represent “the state” in such matters will not affect the ability of that office to do so pursuant to NMSA Section 8-5-2.

ALTERNATIVES

AOG offers the following alternative:

Rather than refunding a fee for the filing of a complaint that was dismissed, might it not be more appropriate to refund the fee for the filing of a complaint that is granted?

BE/nt